

- TERMINAL DISCLAIMER TO OBViate A DOUBLE PATENTING REJECTION
OVER A PRIOR PATENT

Docket Number (Optional)
1033018-000137



In re Patent Application of: Faison Jr, Gene G. et al.

Application No.: 10/648,282

Filed: August 27, 2003

For: FLUID VAPORIZING DEVICE HAVING CONTROLLED TEMPERATURE PROFILE HEATER/CAPILLARY TUBE

The owner*, Philip Morris USA, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 and 173 as presently shortened by any terminal disclaimer, of prior Patent No. 6,640,050. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: Expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record.

May 24, 2007

Date

Signature

Charles A Greene

Typed or printed name

703 836 6620

Telephone Number

Terminal disclaimer fee under 37 C.F.R. § 1.20(d) is included.

*Statement under 37 C.F.R. § 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

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Patent
Attorney's Docket No. 1033018-000137

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Faison Jr, Gene G. et al.) Group Art Unit: 3771
Application No.: 10/648,282) Examiner: AMADEUS SEBASTIAN
Filing Date: August 27, 2003) LOPEZ
Title: FLUID VAPORIZING DEVICE HAVING) Confirmation No.: 4444
CONTROLLED TEMPERATURE)
PROFILE)

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached please find an executed Terminal Disclaimer in connection with the application identified above. The requisite fee is \$ 65 \$ 130.

Charge _____ to Deposit Account 02-4800 for the fee due.
 Charge \$ 130 to credit card. Form PTO-2038 is attached.

This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date May 24, 2007

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